

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ORDER

This matter is before this court for review of the Order, Memorandum Opinion and Recommendation (“Recommendation”) filed on February 26, 2016, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 32.) In the Recommendation, the Magistrate Judge recommends that Defendants’ motion for summary judgment (Doc. 22) be granted. The Recommendation was served on the parties to this action on February 26, 2016 (Doc. 33). Counsel for Plaintiff filed objections (Doc. 39) and counsel for Defendants responded to Plaintiff’s objections (Doc. 40).

This court is required to “make a de novo determination of those portions of the [Magistrate Judge’s] report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 32) is **ADOPTED**. **IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (Doc. 22) is **GRANTED**.

IT IS FURTHER ORDERED that Defendants' motion for continuance and stay (Doc. 42) is **DENIED AS MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 25th day of May, 2016.

William L. Ostan, Jr.

United States District Judge